

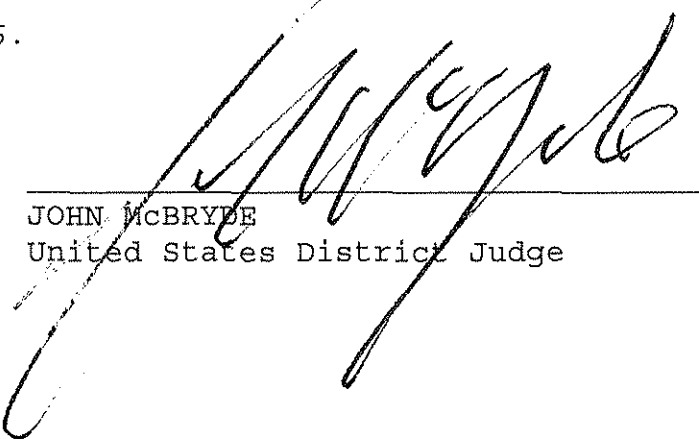
thorough study of the record, the magistrate judge's proposed findings and conclusions, and applicable legal authorities, the court has concluded that plaintiff's objections lack merit and that the recommendation of the magistrate judge should be accepted.

Plaintiff alleges that the magistrate judge has erroneously assessed new evidence he attached to his brief and that a remand is required. Plaintiff admits that the evidence must be new and material and that good cause exists for failing to provide it during the original proceedings. Further, remand is required only if there is a reasonable probability that the new evidence would change the outcome of the Commissioner's decision. Ripley v. Chater, 67 F.3d 552, 555 (5th Cir. 1995). To be "new," the evidence must not be merely cumulative of evidence already in the record. Pierre v. Sullivan, 884 F.2d 799, 803 (5th Cir. 1989). Having reviewed the documents plaintiff attached to his Mary 25, 2016, filing, the court agrees with the assessment of the magistrate judge. The documents do not constitute material evidence of such a nature that would give rise to a reasonable probability that they would change the outcome of the Commissioner's decision in this action. In particular, as the Commissioner points out, even assuming it contains a valid medical opinion, the letter of Dr. Teresa Lugo is dated January

27, 2015, after the date of the Commissioner's decision.

The court accepts the recommendation of the magistrate judge and ORDERS that the decision of the Commissioner that, based on the supplemental security income application protectively filed on April 20, 2012, plaintiff, Darrel Wayne Painter, is not disabled under Section 1614(a)(3)(A) of the Social Security Act, be, and is hereby, affirmed.

SIGNED December 20, 2016.



JOHN MCBRYDE
United States District Judge